

**39-1-28 Loss of property -- Liability.**

Whenever it shall have been finally determined in the manner provided by law or regulation by action of the departments of the army or the air force, that the loss, damage or destruction of federal property for which any officer shall be responsible or accountable shall have been occasioned by or through the failure of any officer to perform the duties required of him by law or regulation; or when it shall have been finally determined, in the case of state property, by the adjutant general that any state property for which any officer shall be accountable or responsible shall have been lost, damaged or destroyed by or through the failure of any officer to perform the duties required of him by law or regulation, such determination by the departments of the army or the air force or adjutant general, as the case may be, shall be prima facie evidence against such officer and his sureties of such failure, and the record of such determination, properly authenticated under the seal of the adjutant general, shall be admissible in evidence for the purpose of establishing such failure and such determination in any action against any officer and/or his sureties.

Amended by Chapter 61, 1963 General Session